

EXHIBIT 2

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

DOROTHY ANDERSON and DEMARQUION
MERRILL, as Co-Personal Representatives
of the Estate of BOBBY MERRILL, deceased,

Plaintiff,

NO: 13-11159

vs.

JUDGE LUDINGTON

OFFICER JEFF MADAJ, individually,
OFFICER JUSTIN SEVERS, individually,
OFFICER BRIAN GUEST, individually, and
OFFICER STEVEN WIETECH, individually,

Defendants.

_____ /

The Deposition of GABRIEL CHICKO SALAZAR, taken
before me, Daniel E. Ripka, CSR-2367, Notary Public, on Friday,
July 25, 2014, at the offices of Ripka, Boroski & Associates,
LLC, One Tuscola Street, Suite 301, Saginaw, Michigan,
commencing at or about 3:23 P.M.

APPEARANCES:

FIEGER, FIEGER, KENNEY, GIROUX & HARRINGTON, P.C.
BY: GARY N. FELTY, JR., ESQ. (P55554)
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Appearing on Behalf of Plaintiffs.

Page 2	Page 4
<p>1 APPEARANCES, CONTINUED:</p> <p>2 PLUNKETT COONEY</p> <p>3 BY: H. WILLIAM REISING, ESQ. (P19343)</p> <p>4 111 East Court Street, Suite 1B</p> <p>5 Flint, Michigan 48502</p> <p>6 (810) 342-7001</p> <p>7 wreising@plunkettcooney.com</p> <p>8</p> <p>9 Appearing on Behalf of Defendants.</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 Friday, July 25, 2014</p> <p>2 Saginaw, Michigan</p> <p>3 3:23 P.M.</p> <p>4 GABRIEL CHICKO SALAZAR,</p> <p>5 a witness herein was called for examination, and after</p> <p>6 having been sworn was examined and testified on his</p> <p>7 oath as follows:</p> <p>8 EXAMINATION</p> <p>9 BY MR. FELTY:</p> <p>10 Q. Would you state your full legal name?</p> <p>11 A. My name is Gabriel Chicko Salazar.</p> <p>12 Q. And Chicko is C-H-I-C-K-O?</p> <p>13 A. Correct.</p> <p>14 Q. I have an address of 3106 Grant Street in Saginaw?</p> <p>15 A. No.</p> <p>16 Q. Okay.</p> <p>17 A. It's 3117 Grant Street.</p> <p>18 Q. 3117 Grant?</p> <p>19 Have you ever sat at a deposition before?</p> <p>20 A. Don't know the question to answer.</p> <p>21 Q. Have you ever sat at a deposition before, a proceeding</p> <p>22 like this?</p> <p>23 A. No.</p> <p>24 Q. All right. You can see off to your right we have a court</p> <p>25 reporter that is taking down every question I ask and</p>
Page 3	Page 5
<p>1 INDEX</p> <p>2 WITNESS: GABRIEL CHICKO SALAZAR PAGE</p> <p>3 Examination by Mr. Felty 4</p> <p>4 Examination by Mr. Reising 55</p> <p>5 * * * * *</p> <p>6 INDEX OF EXHIBITS</p> <p>7 EXHIBIT PAGE</p> <p>8 No Exhibits Marked</p> <p>9 * * * * *</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 every statement that you give.</p> <p>2 A. Okay.</p> <p>3 Q. This isn't like normal conversation, we have to make sure</p> <p>4 that my question and your answer is written down, so there</p> <p>5 may be times where you anticipate what I'm going to ask</p> <p>6 you. Try to wait until I'm done so that --</p> <p>7 A. I understand.</p> <p>8 Q. -- so that he can get everything down.</p> <p>9 A. I understand completely.</p> <p>10 Q. If I ask you a yes or no question, try to stick to yes or</p> <p>11 no as opposed to nods of the head or uh-huh or hmp-hm --</p> <p>12 A. Okay.</p> <p>13 Q. -- because those don't transcribe.</p> <p>14 A. Okay.</p> <p>15 Q. At times I may remind you if you do something like that.</p> <p>16 I'm not trying to be disrespectful, just trying to make a</p> <p>17 clean record.</p> <p>18 A. Yeah, I see what you're saying. I understand completely</p> <p>19 what you're saying.</p> <p>20 Q. If you don't understand a question that I ask you, let me</p> <p>21 know and I'll try to rephrase it.</p> <p>22 A. Okay.</p> <p>23 Q. We are here regarding an incident involving Bobby Merrill</p> <p>24 and some Saginaw police officers on April 10th of 2012.</p> <p>25 It's my understanding that you observed some or all of the</p>

(Pages 2 to 5)

Page 6	Page 8
<p>1 incident involving Mr. Merrill and the Saginaw Police</p> <p>2 Department. Is that true?</p> <p>3 A. True.</p> <p>4 Q. Did you know Mr. Merrill?</p> <p>5 A. No. I didn't know him, not really.</p> <p>6 You know, what I'm saying not really, it's where</p> <p>7 I know him around the neighborhood, seeing his face a</p> <p>8 couple times.</p> <p>9 You know, I know his kinfolk, you know, his</p> <p>10 relatives, you know, around the neighborhood very good.</p> <p>11 So, I mean, other than really good, more like I</p> <p>12 grew up knowing the neighborhood, really. I've been there</p> <p>13 for 30 some odd years, so I got to know the neighborhood</p> <p>14 pretty good.</p> <p>15 Q. Did you know his name on April 10th of 2012?</p> <p>16 A. No, I didn't know his name was actually Bobby. We just</p> <p>17 know him by BJ.</p> <p>18 Q. So you did have some knowledge of who he was?</p> <p>19 A. Yes.</p> <p>20 Q. But you were not friends?</p> <p>21 A. No.</p> <p>22 Q. Do you remember when you first saw him on Tuesday,</p> <p>23 April 10th of 2012?</p> <p>24 A. Yes. In a party store. It was -- He was there earlier</p> <p>25 prior to when I was driving by picking up my girl from</p>	<p>1 A. Yes.</p> <p>2 Q. Was it Washington?</p> <p>3 A. Yes.</p> <p>4 Q. All right.</p> <p>5 A. He was in the middle of the -- What do you call those</p> <p>6 marks, yellow marks?</p> <p>7 Q. Like the turn lane?</p> <p>8 A. Yes. He was in the turn lane, because he knew there was</p> <p>9 no vehicles turning, so he crossed, I'm saying, waiting</p> <p>10 for the truck.</p> <p>11 Because South Washington is used more like a</p> <p>12 highway now. You know, it's a busy street. So if you</p> <p>13 don't get towards the middle you're not crossing that</p> <p>14 street at all.</p> <p>15 So that's what he did. You know what I'm</p> <p>16 saying, he got towards the middle to wait for the other</p> <p>17 truck to roll by, but he's got -- He got really close to</p> <p>18 one of the trucks, which like I said, he was passing</p> <p>19 cautiously.</p> <p>20 You know, but the thing is he slowed down enough</p> <p>21 in front of him, you know what I'm saying, like "What are</p> <p>22 you going to do?" you know what I'm saying, "You going to</p> <p>23 go towards the front of the truck or are you going to go</p> <p>24 behind the truck?"</p> <p>25 You know, and basically the guy in the truck</p>
Page 7	Page 9
<p>1 3256 Bundy Street.</p> <p>2 And I drove up from Youmans off to South</p> <p>3 Washington, seen him coming down ways from South</p> <p>4 Washington towards Gilmore Street.</p> <p>5 As he was trying to cross Gilmore Street a truck</p> <p>6 approached him. While he was trying to cross the street</p> <p>7 as, like I said, basically he was next to the truck very</p> <p>8 close.</p> <p>9 And the truck, the red truck stopped and</p> <p>10 cautiously didn't know what he was going to plan to do,</p> <p>11 you know, either jump in front of the truck or wait for</p> <p>12 him to pass through so he can come from the back side of</p> <p>13 the truck to cross the street.</p> <p>14 But the truck stopped and made a bad remark to</p> <p>15 him, which called him the N word.</p> <p>16 Which BJ outburst and said, you know, "You</p> <p>17 want some of this?"</p> <p>18 You know, and the guy told him, you know, "Move</p> <p>19 out of the way, you F'in N."</p> <p>20 You know, I don't want to sit there and say the</p> <p>21 word, but if I have to I will. But that was kind of</p> <p>22 racial, which he took very offensive to.</p> <p>23 Q. All right. Let me ask you this and see if I'm</p> <p>24 understanding what you're saying. You saw Mr. Merrill,</p> <p>25 BJ, attempting to cross the street?</p>	<p>1 screamed out, you know, you know, confused and enraged</p> <p>2 that he was, you know, 'cause he stopped in the middle of</p> <p>3 the road, you know, told him to "Move out the way, you</p> <p>4 F'in N."</p> <p>5 Q. All right. Where were you?</p> <p>6 A. I was trying to turn, trying to turn also. Because as he</p> <p>7 was in the middle of the road trying to cross the street I</p> <p>8 was trying to get into the turn lane which he was standing</p> <p>9 at.</p> <p>10 You know, he was standing -- I was also turning</p> <p>11 down Gilmore, because my father lives right there.</p> <p>12 Q. So you were going to turn left onto Gilmore?</p> <p>13 A. Yup.</p> <p>14 Q. All right.</p> <p>15 A. He was crossing into Gilmore.</p> <p>16 Q. So the guy in the red truck that you were talking about,</p> <p>17 is he coming toward you or going the same direction?</p> <p>18 A. No, going the other direction. As I was... He was going</p> <p>19 this way, I was going this way.</p> <p>20 You know, but the thing is I needed to be here,</p> <p>21 but he was already here.</p> <p>22 Q. All right. So what you're describing doesn't transcribe</p> <p>23 very well.</p> <p>24 A. Okay. Say like three lanes --</p> <p>25 Q. Let me ask it this way. All right. You are heading -- Do</p>

(Pages 6 to 9)

Page 14	Page 16
<p>1 I'm going to go talk to him."</p> <p>2 By the time I got to the corner there was an</p> <p>3 officer present there.</p> <p>4 Q. Okay. So you were going to go talk to BJ?</p> <p>5 A. Yes.</p> <p>6 Q. Why were you going to go talk to BJ?</p> <p>7 A. Because he was stopping traffic. You know, he's just</p> <p>8 making an outburst for nothing.</p> <p>9 Get the vehicle -- I do know if he's drunk or</p> <p>10 what he was, you know what I'm saying. I was going to</p> <p>11 come, talk to him, you know, "Get out the way, man. You</p> <p>12 know, it's okay," you know what I'm saying. Just take</p> <p>13 this -- I was basically defending him saying because I</p> <p>14 seen it all, you know what I'm saying, and "I seen the way</p> <p>15 he," you know what I'm saying, "the way he was talking to</p> <p>16 you," and everything else.</p> <p>17 I was going to defend his behalf at the moment,</p> <p>18 you know what I'm saying, 'cause I knew he called the</p> <p>19 cops.</p> <p>20 You know, I told my girl to call the cops, too,</p> <p>21 you know, 'cause it wasn't going to be just his defense,</p> <p>22 you know what I'm saying, I'm saying his believing against</p> <p>23 his word, you know. I called the cops saying that, you</p> <p>24 know, this guy is also, you know what I'm saying, let's</p> <p>25 say antagonizing him. You know what I'm saying, like</p>	<p>1 And he said, "Don't get involved in it, you</p> <p>2 know."</p> <p>3 I'm like, "No, you know, he's a good guy. You</p> <p>4 know, I know him." I'm saying, the way he just did him</p> <p>5 I'm saying was wrong. You know, I need to talk to the</p> <p>6 officer because, you know what I'm saying, he's going to</p> <p>7 go to jail for something, you know what I'm saying, that</p> <p>8 antagonized him, you know what I mean. So basically I was</p> <p>9 going to defend him.</p> <p>10 Q. So if I'm understanding you the guy in the red truck calls</p> <p>11 him a name, Bobby kicks the truck and that's what you</p> <p>12 think he might get in trouble for?</p> <p>13 A. Yes.</p> <p>14 Q. And you want to be there to tell an officer --</p> <p>15 A. To tell the officer, you know what I'm saying, this guy</p> <p>16 called him different names to fire him up. And, you know,</p> <p>17 who would stop there? You know what I'm saying, who would</p> <p>18 stop in the middle of the road, stop traffic, endanger</p> <p>19 other lives, you know what I'm saying, just to call this</p> <p>20 guy a name, you know what I'm saying, because you don't do</p> <p>21 that. You don't stop in the middle of the road and just</p> <p>22 antagonize him and tell him "Move out the way, you F'in</p> <p>23 N," you know.</p> <p>24 Q. What kind of car were you driving?</p> <p>25 A. At the moment I was driving a Grand Prix, a purple Grand</p>
Page 15	Page 17
<p>1 basically geeking him up.</p> <p>2 Q. Did you ever make it over to BJ to talk to him?</p> <p>3 A. Yeah.</p> <p>4 But the thing is as he was turned the officer</p> <p>5 pulled up.</p> <p>6 Q. Okay.</p> <p>7 A. And I was calming him down. At the moment I was right in</p> <p>8 front of the cop car kind of calming him down.</p> <p>9 And the officer said -- You know, he didn't want</p> <p>10 to pay no attention to the officer. He didn't -- I don't</p> <p>11 think he even knew the officer was present, you know.</p> <p>12 And the officer said, "Get down on your knees</p> <p>13 before I pull my --" you know what I'm saying, and I'm</p> <p>14 thinking, you know, he heard that.</p> <p>15 So I'm looking at him like, okay, he didn't hear</p> <p>16 that.</p> <p>17 Well, the officer drew his weapon.</p> <p>18 Well, I'm like right behind Bobby, and just</p> <p>19 looked at him, you know, and pulled out a gun, like "I'll</p> <p>20 see you later." I went down the street.</p> <p>21 My dad called me, "He pulled a gun out. What</p> <p>22 are you doing, crazy? Come down here."</p> <p>23 You know, so I ran for it, you know what I'm</p> <p>24 saying. But I'm watching everything that's going down at</p> <p>25 my father's house, you know.</p>	<p>1 Prix.</p> <p>2 Q. Purple Grand Prix?</p> <p>3 A. Yup.</p> <p>4 Q. All right. Before the officer arrived how close were you</p> <p>5 to Bobby?</p> <p>6 A. I would say about five foot.</p> <p>7 Q. All right. Did you hear anything that Bobby was saying?</p> <p>8 A. Yeah. He told me that basically he don't care about him,</p> <p>9 you know what I'm saying, that he's got it. He's got it,</p> <p>10 like "I got this." You know, like slang words, "I got</p> <p>11 this, man. Don't worry about it."</p> <p>12 You know, basically meaning that he's got it</p> <p>13 under control. You know, basically he don't need my help.</p> <p>14 You know, he's going to talk to whoever he's got to talk</p> <p>15 to.</p> <p>16 But he was hyped at the time, you know, high,</p> <p>17 like maybe drunk, I don't know. You know, I don't know</p> <p>18 what he was under, but it seemed to me like he was drunk.</p> <p>19 Q. All right. Do you hear him threaten anybody?</p> <p>20 A. No, other than the guy that threatened him.</p> <p>21 You know, because he threatened him, and like I</p> <p>22 said they had a shouting match, you know what I'm saying,</p> <p>23 and they were threatening each other, you know what I'm</p> <p>24 saying.</p> <p>25 And I thought for sure, you know what I'm</p>

(Pages 14 to 17)

Page 18	Page 20
<p>1 saying, he said he had this. By the time he -- Like I</p> <p>2 said, everything went down with a snap of a finger.</p> <p>3 Q. Okay. Now, I've used the word threat, and you've said</p> <p>4 they were threatening each other. Were they saying they</p> <p>5 were going to do things to each other or just yelling at</p> <p>6 each other?</p> <p>7 A. Yeah. They were saying "I'm going to get out of this</p> <p>8 truck and beat your butt." And the other -- Well, not</p> <p>9 butt, but using the word profanity. I don't like using</p> <p>10 profanity.</p> <p>11 The other guy said, "Well, get your white honkie</p> <p>12 ass out here and we'll do something."</p> <p>13 Well, like I said, they were just threatening</p> <p>14 each other back and forth, you know, and they were going</p> <p>15 outrageous and causing a big scene, more likely, you know</p> <p>16 what I'm saying.</p> <p>17 But in front of Washington where it was the</p> <p>18 busiest time, 'cause traffic there gets really busy</p> <p>19 between 3:00 and 5:00. You know, it gets really heavy.</p> <p>20 It's like a highway, just gone. Just you can't even get</p> <p>21 through there. So it was a busy time at the moment.</p> <p>22 Q. Did you see Bobby walking around trying to get into</p> <p>23 people's cars, or was he just arguing with the guy in the</p> <p>24 red truck?</p> <p>25 A. No, I seen that he was arguing with other people, and</p>	<p>1 extreme where she thinks everybody's bad in the</p> <p>2 neighborhood, and stuff, and so on and so on.</p> <p>3 But anyways, back to the story --</p> <p>4 Q. I'm just curious. Did you ever think you were in danger?</p> <p>5 A. No. No. 'Cause if I was in -- The only way I thought I</p> <p>6 was in danger is when that officer pulled out his weapon.</p> <p>7 Which I was right behind him. You know, I was right</p> <p>8 exactly in the fire line. If this guy missed he was going</p> <p>9 to tase me. I was going to go down.</p> <p>10 Q. Now, you've been saying gun. Did you think it was a gun</p> <p>11 or --</p> <p>12 A. At the moment, you know, it didn't appear as a gun, you</p> <p>13 know what I'm saying. Because, like I said, I was right</p> <p>14 behind him.</p> <p>15 So I, you know, like, "Hey, duck down, I want to</p> <p>16 see what he's got."</p> <p>17 I'm hearing my dad screaming down the block,</p> <p>18 "He's got a gun." So I looked around, around his</p> <p>19 shoulders and looked at him. He had a gun pointed at him.</p> <p>20 'Cause I heard him say that "I'm going to draw</p> <p>21 my weapon if you don't get your butt down on your hands</p> <p>22 and knees." I heard him say that, but he wasn't paying --</p> <p>23 he wasn't facing him as he made that remark.</p> <p>24 Q. Okay. So --</p> <p>25 A. He was facing me.</p>
Page 19	Page 21
<p>1 because other people were honking at him.</p> <p>2 And, I mean, he was going -- Like I say, he was</p> <p>3 at a rage where the guy rose his blood pressure up. You</p> <p>4 know what I'm saying, he got him mad enough where he</p> <p>5 couldn't control him. Saying being drunk that he was, or</p> <p>6 whatever he was under the influence, couldn't control his</p> <p>7 temper, couldn't control anything.</p> <p>8 You know, I couldn't even calm him down, you</p> <p>9 know, and let alone somebody else trying to calm him down.</p> <p>10 Q. All right. Did he threaten you in any way?</p> <p>11 A. No, he didn't threaten me at all.</p> <p>12 Q. Did you see him get violent toward anybody?</p> <p>13 A. I mean, he basically, you know, he said -- He went up to</p> <p>14 my window and tried talking to me, but my girl got scared,</p> <p>15 you know, and thought he was going to -- I'm like, "No,</p> <p>16 he's not going to hit me, silly." You know what I'm</p> <p>17 saying, "We already know each other. He ain't going to</p> <p>18 hit me, you know what I'm saying, just cause he wanted to</p> <p>19 hit me," you know.</p> <p>20 So you got scared -- She got scared for nothing,</p> <p>21 she called the police, you know what I'm saying.</p> <p>22 And I told her to calm down, don't tell them</p> <p>23 that, because, you know, that's not what's going to</p> <p>24 happen, you know, because she's taking everything in</p> <p>25 because she's white, you know, and she takes everything to</p>	<p>1 Q. So you and Bobby are talking when the police officer --</p> <p>2 A. Yeah.</p> <p>3 Q. -- says "I'm going to draw my --"</p> <p>4 A. Yup.</p> <p>5 Q. "-- weapon"?</p> <p>6 A. Yup.</p> <p>7 Q. All right.</p> <p>8 A. And I was like right behind Bobby, so I couldn't see him</p> <p>9 draw the weapon, you know what I'm saying, because I was</p> <p>10 like right behind him.</p> <p>11 You know, if it wasn't for my dad screaming that</p> <p>12 he has a gun out I probably would have been tasered or</p> <p>13 shot right behind him, too, because one bullet ain't going</p> <p>14 to stop there, you know, it's going to pierce through, or</p> <p>15 something.</p> <p>16 So I'm like, "See you."</p> <p>17 So I went down to my dad's house. He said, "Get</p> <p>18 your butt inside, man. What are you doing getting</p> <p>19 involved?"</p> <p>20 I'm like, "No, man, you know, it's not his</p> <p>21 fault. You know, they're going to lock him up for</p> <p>22 nothing." I said, "I'm going to talk to him, man," you</p> <p>23 know, this and that.</p> <p>24 But as all this is going down, you know -- And</p> <p>25 he says, my dad says, "Look, look. See, look, he's</p>

(Pages 18 to 21)

Page 22	Page 24
<p>1 already getting him there, you know, talking to him."</p> <p>2 And he goes inside, and everything else, you</p> <p>3 know. I'm still standing there, you know what I'm saying,</p> <p>4 just waiting.</p> <p>5 'Cause my girl already took off to work and she</p> <p>6 left me there, you know what I'm saying, to watch my kid,</p> <p>7 you know. And I was like, "Forget it, you know. I'll</p> <p>8 just walk right across the street." I only live across</p> <p>9 the street, and, you know, I'll stay there to see what's</p> <p>10 going on.</p> <p>11 Q. So did you stay --</p> <p>12 A. Well, I'm laughing because --</p> <p>13 Q. Wait a second. I've got to ask questions --</p> <p>14 A. Okay. I'm sorry.</p> <p>15 Q. -- and you answer them.</p> <p>16 The red truck before the police get there, was</p> <p>17 the red truck still there or did it drive off?</p> <p>18 A. It drove off.</p> <p>19 Q. All right. So this argument back and forth, this is over</p> <p>20 before the police get there?</p> <p>21 A. Yeah. Yup.</p> <p>22 Q. All right. And when the police get there you're talking</p> <p>23 to Bobby?</p> <p>24 A. Yup.</p> <p>25 Q. All right. And other people, are they still honking, or</p>	<p>1 know, and he's like, "No, no, no."</p> <p>2 Q. Who is shouting in your ear?</p> <p>3 A. Bobby's shouting, you know what I'm saying, because he's</p> <p>4 all fired up.</p> <p>5 Q. He's facing you and shouting at you?</p> <p>6 A. He's facing me but shouting, "No, I got this, man." You</p> <p>7 know, "I got this," and just screaming, you know what I'm</p> <p>8 saying.</p> <p>9 I heard him say something, you know, "Get down,"</p> <p>10 or something like that, "before I fire my weapon."</p> <p>11 And I'm like, "Who is he -- who is that officer</p> <p>12 talking to?" Because I can't see him.</p> <p>13 He's like right in front of me. Well, the</p> <p>14 officer, he's right in the same -- Like he was just</p> <p>15 standing right in front of me to you. I can't see you</p> <p>16 drawing a weapon, you see what I'm saying?</p> <p>17 So my dad's watching the whole thing going down.</p> <p>18 Q. And I understand that, your dad yells to you --</p> <p>19 A. Yup.</p> <p>20 Q. -- he's got a gun.</p> <p>21 A. Yup.</p> <p>22 Q. Had you said anything to the officer?</p> <p>23 A. No. I just looked at him, he had a gun, "I'll see you</p> <p>24 later." I took off. I took off towards his house.</p> <p>25 Q. You head toward his house, and do you turn around and see</p>
Page 23	Page 25
<p>1 are they yelling at Bobby, or...?</p> <p>2 A. No, not at the moment, you know what I'm saying, all the</p> <p>3 traffic cleared up. At the moment the only one that's</p> <p>4 parked there on Washington was the officer itself.</p> <p>5 Q. All right.</p> <p>6 A. The only single officer that was there at the moment.</p> <p>7 Q. All right. But did you talk to Bobby before the officer,</p> <p>8 that single officer arrived?</p> <p>9 A. No, as of the moment I was coming back to talk to him.</p> <p>10 Q. Okay.</p> <p>11 A. You know, and I came back to talk to him, you know, and</p> <p>12 all of a sudden he pulled up.</p> <p>13 Like I say, I don't think he noticed the officer</p> <p>14 was there present because he was just so fired up.</p> <p>15 And I was talking to him, I'm like, "You want me</p> <p>16 to say something, you know, or do something, you know what</p> <p>17 I'm saying, to help you out?"</p> <p>18 He said, "No, I got this, man. Don't sweat it."</p> <p>19 Q. But he was facing you?</p> <p>20 A. Yeah, at the moment.</p> <p>21 Q. And then the officer pulls out the --</p> <p>22 A. The gun, right.</p> <p>23 Not knowing -- I didn't even know he pulled it</p> <p>24 out. I heard something. But I told him, because he's</p> <p>25 going hysterical over here, he's shouting in my ear, you</p>	<p>1 what happens?</p> <p>2 A. Uh-huh (Yes).</p> <p>3 And my dad says, "See, they got it all under</p> <p>4 control, man. Come on, man, you don't need to --"</p> <p>5 I said, "No, I need to go talk to him."</p> <p>6 Q. All right. So what did you see next?</p> <p>7 A. I seen afterwards he went down and talked to him, and</p> <p>8 everything else. You know, he --</p> <p>9 Q. Who went and talked to him?</p> <p>10 A. The officer was talking to Bobby.</p> <p>11 Q. Okay. Did you hear anything --</p> <p>12 A. Yeah, they were shouting also. You know, they were</p> <p>13 screaming at each other. "I don't care. Take me to jail.</p> <p>14 Where is all them other --" You know, "Where's the other</p> <p>15 truck at?"</p> <p>16 He noticed it disappeared, you know what I'm</p> <p>17 saying, he's gone.</p> <p>18 And him, "You guys let him go. You guys let him</p> <p>19 go. See how you guys are." You know, and he's going</p> <p>20 ballistic crazy, too, because he thought the officers let</p> <p>21 him go.</p> <p>22 You know what I'm saying, 'cause I stalled him</p> <p>23 and tried to talk to him the other car just decided to go,</p> <p>24 "Bye, you know, see you. I ain't going to make the</p> <p>25 situation more worse than it is."</p>

(Pages 22 to 25)

<p style="text-align: right;">Page 38</p> <p>1 A. I'm basically just barely getting out of my dad's</p> <p>2 backyard. Because he had some lawn mowers in the backyard</p> <p>3 and he was showing me, you know what I'm saying, "You need</p> <p>4 to go cut that grass," and everything else. You know, I</p> <p>5 basically was leaving it alone.</p> <p>6 And at the moment that's when I heard this pop,</p> <p>7 pop, you know, and "Oh, my God, they shot him." And I</p> <p>8 went running around, and they did, they shot him.</p> <p>9 So basically from there... from there where</p> <p>10 he -- the officers pulled up that's where my story ends</p> <p>11 right there, you know what I'm saying, because of the fact</p> <p>12 that I went -- I got sidetracked and went to pay attention</p> <p>13 to my dad, you know what I'm saying, just because he had a</p> <p>14 lawn mower for me.</p> <p>15 But I heard this pop, pop, came back, "Oh, my</p> <p>16 God, they shot him."</p> <p>17 So I went back rushing right around the fence.</p> <p>18 And then my dad's like, "Dude, leave that guy alone, man.</p> <p>19 That's his problem." That's his word.</p> <p>20 And I said, "Oh, that's cold. Look, they</p> <p>21 actually shot him."</p> <p>22 Q. So did you see the second officer arrive?</p> <p>23 A. Yes.</p> <p>24 Q. All right. And you saw him with his taser out?</p> <p>25 A. Yeah.</p>	<p style="text-align: right;">Page 40</p> <p>1 And then after they -- They didn't check him, or</p> <p>2 nothing like that. You know, they just handcuffed him and</p> <p>3 put him in the back of the car.</p> <p>4 You know, and I think he gave a little fight, or</p> <p>5 they thought they were fighting, and he kicked his legs,</p> <p>6 you know, and as he was kicking his legs they shackled his</p> <p>7 legs. So they hog-tied him.</p> <p>8 You know, when I say hog-tied him, they put his</p> <p>9 hands behind there and they cuffed his feet and threw his</p> <p>10 belly inside of the cop car.</p> <p>11 Q. Now, when you said kicking, do you mean he's moving his</p> <p>12 feet around, or what did you --</p> <p>13 A. I don't know. I think he was in pain, you know what I'm</p> <p>14 saying. You know, like when somebody's in pain, you know</p> <p>15 what I'm saying, like, "Agggghhh," you know, kicking</p> <p>16 around.</p> <p>17 As he's thinking they're -- he's fighting, he's</p> <p>18 not fighting, you know what I'm saying, he's just in pain.</p> <p>19 You know, it's just like you getting tased, you</p> <p>20 know what I'm saying, you got tased and all of a sudden</p> <p>21 you're coming out of it, you know, you're just kicking, I</p> <p>22 don't know, like, I don't know, like being stabbed, man,</p> <p>23 you know.</p> <p>24 Q. Have you been tased?</p> <p>25 A. Yeah, I been tased.</p>
<p style="text-align: right;">Page 39</p> <p>1 Q. And did you hear the officer say anything to Bobby --</p> <p>2 A. No.</p> <p>3 Q. -- before the pop, pop, pop?</p> <p>4 A. No. He didn't -- He might have mentioned -- Like I said,</p> <p>5 I was half of a block down. You know what I'm saying, he</p> <p>6 might have said it to him, but I didn't hear.</p> <p>7 He didn't say it out loud enough where, you</p> <p>8 know, he made an announcement. You know, he might have</p> <p>9 said it to him.</p> <p>10 Q. I'm not asking you what he might have done, I'm asking you</p> <p>11 did you hear it?</p> <p>12 A. No.</p> <p>13 Q. All right. So the pop, pop, pop, do you go back after --</p> <p>14 A. Yes.</p> <p>15 Q. All right. When do you get back? What's going on when</p> <p>16 you get back?</p> <p>17 A. As I get back the officers are handcuffing him, and they</p> <p>18 still couldn't control him. I mean, he was still kicking.</p> <p>19 Q. What do you mean by kicking?</p> <p>20 A. Like kicking, like being tased. And as being tased these</p> <p>21 officers are handcuffing him.</p> <p>22 Q. Did you see officers tasing him while he was on the</p> <p>23 ground?</p> <p>24 A. Well, they tased him, and then they cleared out because</p> <p>25 they didn't want to get tased.</p>	<p style="text-align: right;">Page 41</p> <p>1 Q. So do you know what it's like?</p> <p>2 A. Yes.</p> <p>3 Q. Did you think the moving of the feet around or the kicking</p> <p>4 that you were describing was because he was being tased?</p> <p>5 A. Because of the pain, correct.</p> <p>6 Q. All right.</p> <p>7 A. Because of the pain. Because if anybody actually knows</p> <p>8 about being tased they would know you would kick at the</p> <p>9 end because of pain.</p> <p>10 It would take three officers -- Now, I watched</p> <p>11 this on TV. It takes three officers, one in the back, two</p> <p>12 to grab him in order to get tased, to take the -- to feel</p> <p>13 the moment of tasing. Okay. That's being safety.</p> <p>14 There wasn't nobody getting his back, or</p> <p>15 anything like that, so basically if you get tased you're</p> <p>16 falling on the ground automatically. Ain't nobody going</p> <p>17 to "Oh, are you going to be safe enough?" after you get</p> <p>18 tased. No, they're handcuffing him, you see what I'm</p> <p>19 saying. So I know the feeling. So I know that he was in</p> <p>20 pain at the time.</p> <p>21 Q. Did you see him on the ground like kicking at the</p> <p>22 officers?</p> <p>23 A. No, he wasn't kicking at the officers, he was kicking</p> <p>24 like, basically like, "Oh, it hurts" kind of kicking. You</p> <p>25 know, like, you know, he thought by him squirming around</p>

(Pages 38 to 41)

Page 46	Page 48
<p>1 A. They just threw him into the back seat head first, slide</p> <p>2 him in from his belly all the way in, made sure his head</p> <p>3 and feet were in, and they closed the door.</p> <p>4 Q. Was he on his stomach?</p> <p>5 A. Yes.</p> <p>6 Q. Do you know how many -- Or how many times do you believe</p> <p>7 or did you witness the officers tase Mr. Merrill?</p> <p>8 A. I heard two, two shots go off.</p> <p>9 Q. Did you see them tasing him while he was on the ground?</p> <p>10 A. No. I mean, it's kind of hard to say, you know, because</p> <p>11 they're all gathered around, you know what I'm saying,</p> <p>12 trying to tame him down. It's kind of hard to say even if</p> <p>13 he was being tased because he was surrounded by officers.</p> <p>14 Q. Did you see them hit him with batons?</p> <p>15 A. That, I heard that, a rumor.</p> <p>16 Q. I'm not asking what you heard, did you see?</p> <p>17 A. No, I mean, I didn't see it personally. Like I said, I</p> <p>18 was distracted at the time.</p> <p>19 You know, I did see one of the officers had a</p> <p>20 baton in their hand, you know, and used it against his</p> <p>21 back, you know, trying to calm him down, but...</p> <p>22 Q. What do you mean trying to calm him down?</p> <p>23 A. Yeah, he used the baton and grabbed him and used it</p> <p>24 forcefully to try to maintain him down.</p> <p>25 And he wasn't... he wasn't laying down for them,</p>	<p>1 Washington over by the church area. I couldn't really see</p> <p>2 them because, like I said, I was down the block and they</p> <p>3 were huddled up around the corner.</p> <p>4 Q. Do you know how many police officers were there?</p> <p>5 A. At the time when I looked back there were four.</p> <p>6 Q. Okay. How long were they huddled up?</p> <p>7 A. Quite a bit.</p> <p>8 They were waiting for the ambulance to show up.</p> <p>9 Q. How do you know they were waiting for the ambulance?</p> <p>10 A. Because they tased him.</p> <p>11 You know, anybody knows when you get tased you</p> <p>12 call an ambulance, you know what I'm saying, to check and</p> <p>13 see on the person, you know, if they pierced him through,</p> <p>14 or anything like that.</p> <p>15 So they were waiting at the moment, you know</p> <p>16 what I'm saying, as they were talking and everything else,</p> <p>17 you know, what happened, and everything. They were</p> <p>18 getting their story straight, you know what I mean.</p> <p>19 Q. Did you hear them say anything?</p> <p>20 A. No. No.</p> <p>21 Q. All right. Did you see the ambulance come?</p> <p>22 A. Yes.</p> <p>23 Q. What did you see after the ambulance came?</p> <p>24 A. I seen that the ambulance were trying to get ahold of the</p> <p>25 police officers and tell them where the patient at.</p>
Page 47	Page 49
<p>1 so he used a little bit of force towards him.</p> <p>2 But beating him like Rodney King, no.</p> <p>3 Q. Did you see them kick him?</p> <p>4 A. I seen basically they were trying to maintain him.</p> <p>5 Kicking him could have been in there. You know,</p> <p>6 it could have been in there, because I don't know how they</p> <p>7 would take tactic, you know, the police officer would take</p> <p>8 tactic. I don't know if that's part of their tactic by</p> <p>9 kicking him and shoving him and using their knees, but</p> <p>10 that was being done.</p> <p>11 Q. What happened, what did the police do after BJ was in the</p> <p>12 squad car?</p> <p>13 A. Screaming for help.</p> <p>14 Q. Screaming to who for help?</p> <p>15 A. Whoever can hear him.</p> <p>16 Q. No, what did the police do, not what Bobby did.</p> <p>17 A. Oh, what did the police did afterwards?</p> <p>18 Q. Yes.</p> <p>19 A. Well, the paramedics showed up.</p> <p>20 Q. Okay. But before the paramedics come up do you see the</p> <p>21 police doing anything?</p> <p>22 A. No. No, I seen --</p> <p>23 Q. Did you see where they went?</p> <p>24 A. They were somewhere around the merge lane right around --</p> <p>25 I couldn't see around the corner. They were huddled up on</p>	<p>1 He's in the back seat.</p> <p>2 Well, the paramedics tells them, "Well, this</p> <p>3 guy's bleeding in the back seat. Come open this car up</p> <p>4 now."</p> <p>5 Well, the officer goes walking towards them, not</p> <p>6 hurrying up, just taking his sweet time coming over and</p> <p>7 opened up the back door.</p> <p>8 And they said -- The paramedics screamed out to</p> <p>9 the officer "We need to get this guy out. He's bleeding</p> <p>10 all over the place, he needs --" You know, I think he</p> <p>11 checked his pulse some way somehow. I don't know, I mean,</p> <p>12 I'm not a paramedic so I don't know how he checked his</p> <p>13 pulse.</p> <p>14 But he checked his pulse and he said, "Well,</p> <p>15 this guy's barely alive. We're going to lose him quick."</p> <p>16 So he screams out to the officers "We need to</p> <p>17 get him out now."</p> <p>18 And they drugged him out. As they drugged him</p> <p>19 out you could see how fast they drugged him out.</p> <p>20 The paramedics didn't even put his hands on him</p> <p>21 yet. The police officers dragged him out, you know what</p> <p>22 I'm saying, not being cautiously, not being -- just</p> <p>23 slabbed him out.</p> <p>24 You know, the reason why it was so fast so easy</p> <p>25 is because his blood was everywhere in the back seat, you</p>

(Pages 46 to 49)